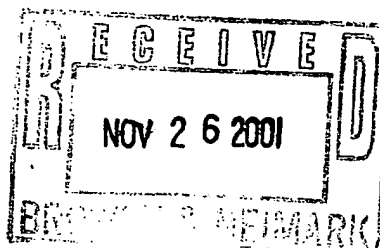


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/985,936 | 11/06/2001 | Stefan Kappeler | KAPPELER=1A |

BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, DC 20001



CONFIRMATION NO. 4194

FORMALITIES LETTER



OC000000007095010

Date Mailed: 11/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

MSP &
SER &
DRC = 20 JAN 2002

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1174.
 - \$810 for 45 total claims over 20.
 - \$84 for 1 independent claims over 3.
 - \$280 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2044.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:

04/09/2002 YBIZAW 00000011 024035 09985936 ■ The specification cannot be scanned or properly stored. Page(s)

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- Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and

740.00
130.00
88.00

09/09/2002 09:59:36 - 022002

white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages 13-28,30,33-36,38 are not in compliance with 37 CFR 1.52(a). *The drawings filed are unacceptable because: Replacement page(s), together with a statement that the replacement page(s) contain no new matter, are required.*

- Substitute drawings in compliance with 37 CFR 1.84 because:

- drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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Section 16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Stefan KAPPELER et al
Serial No.: 09/985,936
Filing Date: November 6, 2001
For: METHOD OF PRODUCING NON-BOVINE SOMATOTROPIN...

FEB 20 2002

Application Division
ATTN: BOX MISSING PARTS
Washington, D.C.
Confirmation No. 4194
February 20, 2002

LATE SUBMISSION OF FILING FEE AND/OR DECLARATION
FILED UNDER 37 CFR 1.53(b)

HON. COMMISSIONER OF PATENTS
Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION..." dated November 20, 2001.

[XX] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, serial number, and filing date.

[XX] Substitute specification in compliance with 37 CFR 1.52.

[XX] Substitute drawings in compliance with 37 CFR 1.84.

[] Applicant claims small entity status. See 37 CFR 1.27.

[] A Communication.

[XX] Preliminary Amendment to reduce multiple dependant claims.

[XX] Response to "Sequence Listing" Requirement (hardcopy), and computer-readable form of Sequence Listing.

[] A certified copy of priority document no. _____, filed _____, is also attached. Priority is claimed.

[] An Information Disclosure Statement with 08A-1449 and _____ references is also attached.

The following fee is calculated below:

| | (Col. 1) | (Col. 2) | | SMALL ENTITY | | | OTHER THAN SMALL ENTITY | |
|---|-----------|-----------|--|--------------|-----------|----|-------------------------|----------|
| FOR: | NO. FILED | NO. EXTRA | | RATE | FEE | OR | RATE | FEE |
| BASIC FEE | | | | | \$ 370.00 | OR | | \$740.00 |
| TOTAL CLAIMS | 21 - 20 | 1 | | X 9 = | \$ | | X 18 = | \$18.00 |
| INDEP. CLAIMS | 1 - 3 | | | X 42 = | \$ | | X 84 = | \$ |
| [] MULTIPLE DEPENDENT CLAIMS PRESENTED | | | | + 135 = | \$ | | + 270 = | \$ |
| If the difference in Col. 1 is less than 0, enter "0" in Col. 2 | | | | TOTAL | \$ | | TOTAL | \$758.00 |

[] Surcharge for late filing of English translation \$ 130.00

[XX] Late filing of Declaration surcharge in the amount of:
Small Entity [] \$65.00 Other than Small Entity [XX] \$130.00

[] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a).
The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

| | |
|-----------------------------|-----------------------------|
| Small Entity | Other Than Small Entity |
| Response Filed Within | Response Filed Within |
| [] First - \$ 55.00 | [XX] First - \$ 110.00 |
| [] Second - \$ 200.00 | [] Second - \$ 400.00 |
| [] Third - \$ 460.00 | [] Third - \$ 920.00 |
| [] Fourth - \$ 720.00 | [] Fourth - \$1,440.00 |
| Month After Time Period Set | Month After Time Period Set |

[XX] Conditional Petition for Extension of Time:
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] Check No. _____ in the amount of \$ _____ is enclosed to cover the above fees.

[XX] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$998.00 is enclosed to cover the fees.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEWMARK, P.L.L.C.
Attorneys for Applicant(s)

By: 
Iver P. Cooper
Registration No. 28,005

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